

**Q&A FROM
2002 SEP HIPAA PRIVACY AWARENESS AND TRAINING CONFERENCE**

Notice of Privacy Practices (NoPP)

Q: When a MHS Primary Care Manager refers a patient to a network provider or specialist, which NoPP will cover the patient's wishes to gain access to, get a copy, and amend or correct their medical record?

A: When a patient is seen in an MTF, the information created during their visit is covered by the MHS NoPP. However when a patient is seen by a network provider they will be presented with that network provider's notice. Patient's request to gain access to, get a copy, and amend or correct a record must be directed to the creator of the information. Therefore if the information is created by the network provider or specialist, any request to modify the information must comply with that network provider's Notice of Privacy Practices.

Q: Please clarify "mail-out" to a new beneficiary of HIPAA information.

A: The MHS Notice of Privacy Practices will be mailed to all TRICARE sponsors by April 2003 using the Defense Enrollment Eligibility Reporting System (DEERS).

Q: Any thought given to making the electronic capture of privacy notice acknowledgment a field in DEERS?

A: Yes, we will be working with DEERS and CHCS to operationalize the feature. However, we will not have this feature available until some point in time after the 14 April 2003 compliance date. Our MTF Privacy Officers have been instructed to use the MHS Notice of Privacy Practices Acknowledgment medical record labels in the meantime.

Q: Will the privacy notice form be the same for dental?

A: Yes. The Dental clinics will put the same label on the dental records jacket as the medical records jacket. Labels will be provided to the Dental units.

Q: Can record jackets be modified to include the privacy notice acknowledgment?

A: TMA will be providing labels for posting on the medical and dental medical records jackets. Modifying medical records jackets is a long-term Service –specific solution and is being addressed.

Q: Does the Notice have a mail-back to the MTF?

A: No. TMA has arranged for an undeliverable mail report which will be coordinated with the Services.

Q: Do MTFs need to modify consent forms for radiology to reflect privacy notice?

A: Probably not. Consent forms for radiology usually refer to obtaining consent from the patient to conduct the medical procedure, not to use or disclose the health information. Uses and

disclosures of health information that are related to treatment are permitted as described in the MHS NoPP.

Q: What about folks who are in boot camp and aren't active duty yet? When will they receive their privacy notice?

A: The military member will receive a notice upon reporting to active duty. Persons in boot camp and participating in other accessioning or basic training programs are considered to be on active duty and would therefore be covered under the TMA/MHS health plans.

Q: What about people in the Occupational Health Plans?

A: Patients treated under occupational health plans will be given the privacy notice when they arrive at the MTF for treatment. At posts where new employees must in-process through the Occupational Health Clinic, privacy notices can be given during in-processing.

Q: Once the Privacy Notice is delivered how long does an MTF have to obtain the receipt acknowledgment?

A: Indefinitely. The MTF should make a good faith effort to obtain signed acknowledgment of receipt of the notice from each patient as they access care at our MTFs beginning in November 2002.

Q: If a military member or family member comes to an MTF and has never seen the NoPP, can the MTF give them one?

A: Yes. The MTF must give the patient the privacy notice and have them sign the label acknowledging receipt of the privacy notice.

Q: What about Dental Clinics?

A: The Dental Clinics must give the patient the privacy notice as well.

Q: Who is on the mailing list for the NoPP?

A: All TRICARE sponsors in DEERS will be receiving the privacy notices. This adds up to about 5 million notices to be mailed between January and April 2003.

Q: How should we deal with beneficiaries who do not speak or understand English? Do we need to have the notice translated?

A: TMA has translated the Privacy Notice into 9 languages including Chinese, Japanese, Korean, Tagalog, Portugese, German, French, Italian and Spanish, and these are posted on the TRICARE HIPAA website.

Q: Should we expect beneficiaries' questions at MTF?

A: Yes. The notice informs the beneficiary to contact the MTF Privacy Officer to answer any questions. TMA will tell MTFs which zip codes are included in the mailings for each month so that local MTF Privacy Officers will have a better understanding when those calls might come.

Q: Will we get copies of the scripts used to answer questions poised to the 800 number?

A: Yes, these will be distributed to you. Additional information on components of the Privacy program to help you inform your staff and patients can also be found on the TMA HIPAA web site.

Q: How will this work in an overseas location where the 800 number is a toll call?

A: There are currently no toll-free options available for overseas locations.

Q: Can CHCS be used to document acknowledgement of Privacy Notice?

A: We are working on this, but it will not be available for a while.

Q: Why can't the Privacy Notice be emailed?

A: The HIPAA rule requires that TRICARE mail the notice to each sponsor. Additionally, the HIPAA Rule states that the notice cannot be e-mailed to the patient without prior consent from the patient to do so.